

REMARKS

The Examiner rejected claims 1-21 under 35 U.S.C. §103(a) as allegedly being unpatentable over Sherr et al. (US 20020154157) in view of Official Notice.

Applicants respectfully traverse the §103(a) rejections with the following arguments.

35 U.S.C. §103(a)

The Examiner rejected claims 1-21 under 35 U.S.C. §103(a) as allegedly being unpatentable over Sherr et al. (US 20020154157) in view of Official Notice.

Applicants respectfully contend that claim 1 is not unpatentable over Sherr in view of Official Notice, because Sherr in view of Official Notice does not teach or suggest each and every feature of claim 1. For example, Sherr in view of Official Notice does not teach or suggest the feature: “showing a shopping summary in response to detecting the right click”.

The Examiner argues: “Sherr teaches displaying an order page initiated by a right mouse click (page 7, para 071), but does not specifically mention showing a shopping summary in response to detecting the right click. It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in Sherr, a shopping summary as claimed in the instant invention, because this would permit buyers of the system to use the right click option for any presentation of information that was considered important enough to command the use of the right click option. Offering this flexibility would increase the sale and use of the system and thus create increased revenue for the company by satisfying the needs of the customer.”

In response, Applicants respectfully contend that the Examiner’s statement of: “It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in Sherr, a shopping summary as claimed in the instant invention, because this would permit buyers of the system to use the right click option for any presentation of information that was considered important enough to command the use of the right click option” includes circular reasoning, is vague and indefinite, and reflects unsupported speculation by the Examiner.

Applicants respectfully challenge the Examiner, under MPEP 2144.03C, to provide adequate evidence to support the preceding statement of the Examiner.

In addition, Applicants respectfully contend that the Examiner's statement of: "offering this flexibility would increase the sale and use of the system and thus create increased revenue for the company by satisfying the needs of the customer" is incorrect and reflects unsupported speculation by the Examiner. Applicants respectfully challenge the Examiner, under MPEP 2144.03C, to provide adequate evidence to support the preceding statement of the Examiner.

Based on the preceding arguments, Applicants respectfully maintain that claim 1 is not unpatentable over Sherr in view of Official Notice, and that claim 1 is in condition for allowance. Since claims 2-3 depend from claim 1, Applicants contend that claims 2-3 are likewise in condition for allowance.

Applicants respectfully contend that claim 4 is not unpatentable over Sherr in view of Official Notice, because Sherr in view of Official Notice does not teach or suggest each and every feature of claim 4. For example, Sherr in view of Official Notice does not teach or suggest the feature: "showing a shopping cart responsive to detecting the right click of the computer mouse on the on-line shopping web page".

The Examiner argues: "see response to claim 1, and FIG 14". In response, Applicants cite Applicants' arguments relating to claim 1.

In addition, Applicants respectfully contend that FIG. 14 of Sherr depicts an "open order ticket page" (see Sherr, paragraph 0105, lines 1-3) which is not a "shopping cart". A "shopping cart" comprises a list of goods **to be purchased** (see Applicants' specification, page 1, lines 14-

17). In contrast, an “open order ticket page” comprises a list of goods **previously purchased** (see Sherr, paragraph 0105, lines 1-8).

Based on the preceding arguments, Applicants respectfully maintain that claim 4 is not unpatentable over Sherr in view of Official Notice, and that claim 4 is in condition for allowance. Since claims 5-6 depend from claim 4, Applicants contend that claims 5-6 are likewise in condition for allowance.

Applicants respectfully contend that claim 7 is not unpatentable over Sherr in view of Official Notice, because Sherr in view of Official Notice does not teach or suggest each and every feature of claim 7. For example, Sherr in view of Official Notice does not teach or suggest the feature: “showing a bidding summary responsive to detecting the right click of the computer mouse on the on-line auction web page”.

The Examiner argues: “Sherr teaches displaying an order page initiated by a right mouse click (page 7, para 071), but does not specifically mention showing a bidding summary in response to detecting the right click. It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in Sherr, displaying bidding summaries as claimed in the instant application, because this would permit buyers of the system to use the right click option for any presentation of information that was considered important enough to command the use of the right click option. Offering this flexibility would increase the sale and use of the system and thus create increased revenue due to satisfying the needs of the customer.”

In response, Applicants respectfully contend that the Examiner’s statement of: “It would have been obvious to a person having ordinary skill in the art at the time of the invention to

include in Sherr, displaying bidding summaries as claimed in the instant application, because this would permit buyers of the system to use the right click option for any presentation of information that was considered important enough to command the use of the right click option” includes circular reasoning, is vague and indefinite, and reflects unsupported speculation by the Examiner. Applicants respectfully challenge the Examiner, under MPEP 2144.03C, to provide adequate evidence to support the preceding statement of the Examiner.

In addition, Applicants respectfully contend that the Examiner’s statement of: “offering this flexibility would increase the sale and use of the system and thus create increased revenue due to satisfying the needs of the customer” is incorrect and reflects unsupported speculation by the Examiner. Applicants respectfully challenge the Examiner, under MPEP 2144.03C, to provide adequate evidence to support the preceding statement of the Examiner.

Based on the preceding arguments, Applicants respectfully maintain that claim 7 is not unpatentable over Sherr in view of Official Notice, and that claim 7 is in condition for allowance. Since claims 8-9 depend from claim 7, Applicants contend that claims 8-9 are likewise in condition for allowance.

Applicants respectfully contend that claim 10 is not unpatentable over Sherr in view of Official Notice, because Sherr in view of Official Notice does not teach or suggest each and every feature of claim 10. For example, Sherr in view of Official Notice does not teach or suggest the feature: “deriving a screen location from screen coordinates of the computer mouse; creating an overlay that includes a shopping summary; and showing the overlay upon the web page at the derived location.”

The Examiner argues: “Sherr discloses a method of presenting a shopping summary for electronic commerce, comprising the acts of: detecting a right click of a computer mouse on a web page (page 7, para 071); deriving a screen location from screen coordinates of the computer mouse (page 6, para 0067); creating an overlay that includes a shopping summary (FIG 2, item 206); and showing the overlay upon the web page at the derived location (FIG 2, item 206).”

In response, Applicants respectfully contend that Sherr does not teach or suggest “deriving a screen location from screen coordinates of the computer mouse” in Sherr, paragraph 0067. There is absolutely no disclosure of “screen coordinates of the computer mouse” in Sherr, paragraph 0067.

In additional response, Applicants respectfully contend that streaming box 206 in FIG. 2 of Sherr does not include a shopping summary, as required by claim 10.

In further response, Sherr does not disclose that streaming box 206 in FIG. 2 of Sherr is not positioned at the derived screen location derived that was derived from the screen coordinates of the computer mouse, as required by claim 10.

Based on the preceding arguments, Applicants respectfully maintain that claim 10 is not unpatentable over Sherr in view of Official Notice, and that claim 10 is in condition for allowance. Since claims 11-14 depend from claim 10, Applicants contend that claims 11-14 are likewise in condition for allowance.

Applicants respectfully contend that claim 15 is not unpatentable over Sherr in view of Official Notice, because Sherr in view of Official Notice does not teach or suggest each and every feature of claim 15. For example, Sherr in view of Official Notice does not teach or

suggest the feature: “when the right click is detected, determining whether a shopping summary is shown.” The Examiner does not even allege that that Sherr discloses said “determining” feature of claim 15.

As another example, Sherr in view of Official Notice does not teach or suggest the feature: “if the shopping summary is shown upon detection of the right click, retiring the shopping summary; and if the shopping summary is not shown upon detection of the right click, showing the shopping summary.”

The Examiner argues: “In response to claim 15, Sherr discloses using the right click of a mouse to perform a limited programmed function such as entering an order page within a current webpage (see response to claims 1-14), but does not specifically mention that the right click is used to open and close an application such as a shopping summary. Turning programs on and off utilizing a single on/off switch activation mechanism such as a mouse click is old and well known in the art. It would have been obvious to a person having ordinary skill in the art to change the right click programming to include on/off capability, because this would improve the system of Sherr by turning off a program that was activated with the right click and removing information that was not currently needed thus creating a less cluttered webpage.”

In response, Applicants assert that Sherr does not disclose a “shopping summary” and Applicants cite Applicants’ arguments relating to claims 1 and 4.

In further response, Applicants note that there are numerous methods of turning off a program and the Examiner has not cited any evidence disclosing use of a right mouse click to turn off a program. Accordingly, Applicants respectfully challenge the Examiner, under MPEP 2144.03C, to provide adequate evidence to support use of a right mouse click to turn off a

program, and further to support use of a right mouse click to turn off a shopping summary.

Based on the preceding arguments, Applicants respectfully maintain that claim 15 is not unpatentable over Sherr in view of Official Notice, and that claim 15 is in condition for allowance. Since claims 16-21 depend from claim 15, Applicants contend that claims 16-21 are likewise in condition for allowance.

CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below.

Date: 08/06/2004

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